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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
AUSENCIO ALVAREZ CORTEZ,
ANGEL ISMAEL RAMIREZ,
Defendants.
Case No.: 20-CR-00229-TLN
**STIPULATION AND ORDER TO
CONTINUE STATUS CONFERENCE**
Date: February 17, 2022
Time: 9:30 a.m.
Judge: Hon. Troy L. Nunley

STIPULATION

The United States of America through its undersigned counsel, James Conolly, Assistant United States Attorney, together with Attorney Dina Santos, counsel for Ausencio Alvarez Cortez, and Attorney Adam Pennella, Counsel for Angel Ismael Ramirez, hereby stipulate the following:

1. The Status Conference was previously set for October 14, 2021. By this stipulation, the parties now move to continue the Status Conference to **February 17, 2022, at 9:30 a.m.** and to exclude time between October 14, 2021, and February 17, 2022, under the Local Code T-4 (to allow defense counsel time to prepare).
2. The parties agree and stipulate, and request the Court find the following:

- 1 a. A continuance is requested to continue to allow the Defense to meet with the
2 Client, review the discovery, conduct investigation, and discuss a potential
3 resolution.
- 4 b. Counsel for the Defendant believes the failure to grant a continuance in this
5 case would deny defense counsel reasonable time necessary for effective
6 preparation, taking into account the exercise of due diligence.
- 7 c. The Government does not object to the continuance.
- 8 d. Based on the above-stated findings, the ends of justice served by granting the
9 requested continuance outweigh the best interests of the public and the
10 defendants in a speedy trial within the original date prescribed by the Speedy
11 Trial Act.
- 12 e. For the purpose of computing time under the Speedy Trial Act, 18 United
13 States Code Section 3161(h)(7)(A) within which trial must commence, the
14 time period of October 14, 2021, until February 17, 2022, inclusive, is deemed
15 excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and
16 (B)(iv), corresponding to Local Code T-4 because it results from a continuance
17 granted by the Court at defendant's request on the basis of the Court's finding
18 that the ends of justice served by taking such action outweigh the best interest
19 of the public and the defendant in a speedy trial.
- 20 3. Nothing in this stipulation and order shall preclude a finding that other provisions
21 of the Speedy Trial Act dictate that additional time periods are excludable from
22 the period within which a trial must commence.

23
24 **IT IS SO STIPULATED.**

25
26 DATED: October 11, 2021

27 Phillip Talbert
28 United States Attorney

/s/ James Conolly
JAMES CONOLLY
Assistant U.S. Attorney

DATE: October 11, 2021

/s/ Dina Santos
DINA SANTOS
Attorney for Ausencio Alvarez Cortez

DATE: October 11, 2021

/s/ Adam Pennella
ADAM PENNELLA
Attorney for Angel Ismael Ramirez

ORDER

The Court has read and considered the Stipulation Regarding Excludable Time Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that provide good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which trial must commence.

IT IS SO ORDERED.

Dated: October 12, 2021


Troy L. Nunley
United States District Judge